

**LAGOMARSINO LAW**  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

C.L. JANE DOE, a minor, by and through her  
 natural parent and legal guardian, A.T. GRACE  
 DOE,

Plaintiffs,

v.

RABIA KHAN, an individual; and CLARK  
 COUNTY SCHOOL DISTRICT, a political  
 subdivision of the State of Nevada.

Defendants.

CASE NO.: 2:23-cv-00922

**PLAINTIFF'S PETITION FOR MINOR'S**  
**COMPROMISE, PAYMENT OF**  
**ATTORNEY FEES AND COSTS AND**  
**FOR THE CREATION OF A BLOCKED**  
**TRUST ACCOUNT**

Plaintiff C.L. JANE DOE ("JANE"), a minor child, by and through her Natural Parent and Legal Guardian, A.T. GRACE DOE ("GRACE"), by and through their counsel of record, ANDRE M. LAGOMARSINO, ESQ. and CORY M. FORD, ESQ. of LAGOMARSINO LAW, Petition this Court for authority to compromise the claims of the minor JANE DOE, in accordance with Nevada Revised Statute §41.200, for payment of attorney fees and costs, and to create a blocked trust account. With this Petition, Plaintiff respectfully represents the following to this Honorable Court:

**I. APPLICABLE STANDARD**

The court has an inherent duty to protect the interests of minors and incompetents who appear before it. See *Keith v. Jackson*, 855 F. Supp 765, 775 (E.D. Pa. 1994) (citing *Dacanay v.*

*Mendoza*, 573 F.2d 1075, 1079 (9th Cir. 1978)). As part of that duty, the Court must determine the fairness of any settlement agreement and the reasonableness of any attorney's fees and costs to be paid from the settlement amount in a suit brought on behalf of a minor or incompetent.

Federal courts have held that it is appropriate to apply the rules prescribed by state law in determining the fairness of a minor's compromise and the reasonableness of any attorney's fees and costs allocated from that settlement in both federal question and diversity cases.<sup>1</sup> For example, see *Erie RR. v. Tompkins*, 304 U.S. 64 (1938), and *Stecyk v. Bell Helicopter Textron, Inc.*, 53 F Supp.2d 794, 801 (E.D. Pa.1999). NRCP 17(c) is nearly identical to its federal counterpart, FRCP 17(c), which has been interpreted as charging the court with a "special duty to safeguard the interests of litigants who are minors." See *Robidoux v. Rosengren*, 638 F.3d 1177, 1181–82 (9th Cir.2011) (instructing the district court to evaluate whether the net recovery of the minor is fair and reasonable in terms of the minor's claims and recovery in similar cases).

In approving the settlement, the court must also assess the reasonableness of the requested counsel fees. In so doing, the court must "strike a balance between being a 'passive proforma rubber stamp' ...and being too intrusive in its consideration of the fairness of counsel fees."<sup>2</sup>

## II. BACKGROUND INFORMATION

Plaintiff C.L. JANE DOE is a minor. Plaintiff and Petitioner A.T. GRACE DOE is JANE's mother and is legally permitted to bring this Petition on JANE's behalf, pursuant to NRS § 12.080.

### A. PLAINTIFFS' ALLEGATIONS

On September 12, 2022, while enrolled in Clark County School District's Sunrise Acres Elementary School, JANE's first (1<sup>st</sup>) grade teacher, Ms. Khan, placed scotch tape around JANE's

<sup>1</sup> Local district courts are authorized to adopt rules of procedure. See 28 U.S.C. § 2071. The local rules, however must be consistent with the national rules. See Fed. R. Civ. P. 83(a) ("A local rule shall be consistent with--but not duplicative of--Acts of Congress and [the national] rules...."). Once adopted, the local rule has the force of law. See *Tarkett, Inc. v. Congoleum Corp.*, 144 F.R.D. 282,284 (E.D. Pa. 1992) (citing *Baylson v. Disciplinary Bd. of the Supreme Court of Pa.*, 764 F. Supp. 328,348 (E.D. Pa. 1991), aff'd, 975 F.2d 102 (3d Cir. 1992)).

<sup>2</sup> *Stecyk*, 53 F. Supp.2d at 800 (quoting *Gilmore v. Dondero*, 582 A.2d 1106, 1109 (Pa. Super. Ct. 1990)).

mouth during class. After GRACE found out about the incident, JANE stopped attending Sunrise Acres Elementary School and GRACE transferred JANE to a different school. Due to the incident on September 12, 2022, JANE lost valuable educational instruction time due to Ms. Khan's abuse and was forced to uproot her life and move to an entirely different school during the school year in order to find a safe educational environment.

## **B. CAUSES OF ACTION**

Plaintiffs retained the law firm of Lagomarsino Law ("LL") on or about September 20, 2022 to pursue claims on their behalf against various defendants to this action. The Fee Agreement between the Plaintiffs and LL provided for a forty percent (40%) attorney's fee after the filing of a lawsuit. Plaintiffs filed a lawsuit giving rise to the instant case against the above-named parties in the Eighth Judicial District Court of Clark County, Nevada which was subsequently removed to Federal District Court, District of Nevada. Plaintiffs alleged the following causes of action:

1. Violation of Substantive Due Process Right Under Article 1, Section 8 of the Constitution of the State of Nevada (*Monell* Municipal Liability Against CCSD)
2. Negligent Hiring, Training, Supervision, and Retention (Against CCSD)
3. Negligence (Against All Defendants)

## **III. COMPROMISE OF MINOR'S CLAIM PURSUANT TO NRS 41.200**

On September 1, 2023, a settlement was reached, in the instant matter, between Plaintiffs and Defendants CLARK COUNTY SCHOOL DISTRICT. The settlement was \$15,000.00 allocated to C.L. JANE DOE<sup>3</sup>.

Petitioner A.T. GRACE DOE is the natural parent of C.L. JANE DOE, a minor, whose date of birth is March 17, 2016. They reside at 220 E. Sunrise Avenue, Apartment 7, Las Vegas, Nevada 89101.

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Minor child C.L. JANE DOE was awarded FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) as a full and final gross settlement arising out of her claims against Defendants RABIA KHAN and CLARK COUNTY SCHOOL DISTRICT.

Petitioner A.T. GRACE DOE hereby requests that the Court give her authorization to apportion, and utilize, the funds on behalf of C.L. JANE DOE, as follows:

(a) \$6,000.00 for attorney fees, on a forty percent (40%) contingency fee basis. *See Exhibit 1, Settlement Statement.*

(b) \$523.24 for case costs. *See Exhibit 1, Settlement Statement.*

(c) The blocked trust account for C.L. JANE DOE will contain the remaining balance of \$8,476.76.

*See also, Declaration of Cory M. Ford, Esq.*

Petitioner A.T. GRACE DOE believes that the acceptance of this compromise is in the best interest of the minor child, C.L. JANE DOE, and that the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise

WHEREFORE, Petitioners pray as follows:

1. That this Honorable Court approves the opening of a blocked trust account, by the Petitioner A.T. GRACE DOE, for the benefit of the minor child C.L. JANE DOE.

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<sup>3</sup> A copy of the Settlement Agreement and Release of All Claims is available upon request.

2. That this Honorable Court order that Petitioner distribute the funds as delineated in  
Section 3(a)(b)(c), above.

DATED this 5 day of October, 2023.

**LAGOMARSINO LAW**

  
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Nevada Bar No. 6711

CORY M. FORD, ESQ.

Nevada Bar No. 15042

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VERIFICATION

STATE OF NEVADA       )  
   ) ss  
 COUNTY OF CLARK       )

A.T. GRACE DOE, being first duly sworn under penalty of perjury, deposes and says:

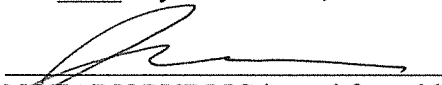
I am a Plaintiff and Petitioner in the above-entitled action; I have read the foregoing  
**PLAINTIFF'S PETITION FOR MINOR'S COMPROMISE, PAYMENT OF ATTORNEY  
 FEES AND COSTS AND FOR THE CREATION OF A BLOCKED TRUST ACCOUNT;** and  
 I know the contents thereof; the same is true of my own knowledge, except for those matters therein  
 contained stated upon information and belief; and as to those matters I believe them to be true.

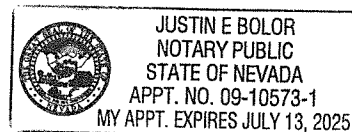
  
 A.T. GRACE DOE

I declare under penalty of perjury that the foregoing is true and correct.

  
 A.T. GRACE DOE

SUBSCRIBED and SWORN to before me  
 this 2<sup>nd</sup> day of October, 2023.

  
 NOTARY PUBLIC in and for said  
 County and State.



**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on this S day of October, 2023, the foregoing  
**PLAINTIFF'S PETITION FOR MINOR'S COMPROMISE, PAYMENT OF ATTORNEY  
FEES AND COSTS AND FOR THE CREATION OF A BLOCKED TRUST ACCOUNT** was  
electronically served on all parties to this action, through the CM/ECF system of the United States  
District Court, to the following:

Melissa Alessi, Esq.  
**CLARK COUNTY SCHOOL DISTRICT**  
**OFFICE OF THE GENERAL COUNSEL**  
alessm1@nv.ccsd.net  
*Attorney for Defendants*



An Employee of **LAGOMARSINO LAW**

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